REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 14-17 are pending in this application. Claims 14-17 are amended by the present amendment. As amended Claims 1-14 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claim 14 was rejected under 35 U.S.C. §101; Claims 14-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,263,155, hereinafter "Saeki") in view of Gotoh et al. (U.S. Patent No. 6,292,625, hereinafter "Gotoh"); Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,699 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,678 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,700 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,701 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,863 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,835 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of

[1]See, e.g., the specification at page 109, lines 3-8 and Figure 33.

U.S. Patent Application No. 10/801,866 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/801,865 in view of Saeki; and Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view Claims 14-17 of U.S. Patent Application No. 10/802,004 in view of Saeki.

With regard to the rejection of Claim 14 under 35 U.S.C. §101, that rejection is respectfully traversed. Claim 14 is amended to recite that the control information is provided to control recording, playing back, or editing the video object data by the information recording/reproducing apparatus, the video object data is accessed according to the control information. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP §2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP §2106 provides,

> **a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Thus, based on the clear language of this section, amended Claim 14 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP §2106 also states that,

> Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. §101 should be withdrawn. However, if the rejection under U.S.C. §101 is to be maintained,

applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

With regard to the rejection of Claim 14 under 35 U.S.C. §103(a) as unpatentable over Saeki in view of Gotoh, that rejection is respectfully traversed.

Amended Claim 14 recites "each of the time entries includes ***numeral information on a corresponding video object unit entry of the video object data.***"

The outstanding Office Action apparently cited the time map information 821b of Saeki as including "time entries" as recited in Claim 14. However, it is respectfully submitted that none of the information included in time map information 821b of Saeki is "numeral information on a corresponding video object unit entry of the video object data" as recited in amended Claim 14.[2] Further, it is respectfully submitted that Gotoh does not teach or suggest "time entries" as defined in amended Claim 14 either. Accordingly, as neither Saeki nor Gotoh teach or suggest "time entries" as defined in amended Claim 14, amended Claim 14 is patentable over Saeki in view of Gotoh.

Amended Claims 15-17 also recite "each of the time entries includes numeral information on a corresponding video object unit entry of the video object data." Therefore, amended Claims 15-17 are patentable over Saeki in view of Gotoh for at least the reasons described above with respect to Claim 14.

With regard to the provisional non-statutory double patenting rejections of Claims 14-17 in view Claims 14-17 of U.S. Patent Application No. 10/801,699 in view of Saeki, Claims 14-17 of U.S. Patent Application No. 10/801,678 in view of Saeki, Claims 14-17 of U.S. Patent Application No. 10/801,700 in view of Saeki, Claims 14-17 of U.S. Patent Application No. 10/801,701 in view of Saeki, Claims 14-17 of U.S. Patent Application No. 10/801,863 in view of Saeki, Claims 14-17 of U.S. Patent Application No. 10/801,835 in view of Saeki,

[2]See column 10, lines 21-52 and Figure 11 of Saeki.

Claims 14-17 of U.S. Patent Application No. 10/801,866 in view of Saeki, Claims 14-17 of U.S. Patent Application No. 10/801,865 in view of Saeki, and Claims 14-17 of U.S. Patent Application No. 10/802,004 in view of Saeki, these rejections are respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Edward Tracy

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Edward Tracy
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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